

21 C.J.S. Courts § 88

Corpus Juris Secundum | May 2023 Update

Courts

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II. Jurisdiction of Courts

H. Loss or Divestiture of Jurisdiction

§ 88. Continuation of acquired jurisdiction until divested; effect of loss or divestiture of jurisdiction

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Jurisdiction, once properly acquired, is retained and continues unless divested by some event, and is not divested by acts or agreements of parties; a court's acts after jurisdiction is divested are void.

Generally, once a court acquires jurisdiction, its retention of jurisdiction is presumed¹ particularly as to matters arising out of that action,² and continues until extinguished by some event,³ most commonly by the court's final disposition of the matter,⁴ but is not generally divested by subsequent errors, irregularities, or improprieties,⁵ nor by subsequent facts or events.⁶

Parties may not by their actions,⁷ or by consent or agreement, divest a court of jurisdiction.⁸

Once a court is divested of jurisdiction, it cannot take any further action in the matter,⁹ and its subsequent actions in the matter are void.¹⁰

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Footnotes

¹ Mich.—*In re Contempt of Dorsey*, 306 Mich. App. 571, 858 N.W.2d 84 (2014) appeal held in abeyance, 872 N.W.2d 489 (Mich. 2015).

N.H.—*State v. Demesmin*, 159 N.H. 595, 992 A.2d 569 (2010).

- 2 Ga.—*Barker v. Barker*, 294 Ga. 572, 757 S.E.2d 42 (2014).
- Md.—*Flanagan v. Department of Human Resources*, 412 Md. 616, 989 A.2d 1139 (2010).
- 3 Cal.—*Lofton v. Wells Fargo Home Mortgage*, 230 Cal. App. 4th 1050, 179 Cal. Rptr. 3d 254 (1st Dist. 2014), as modified on other grounds on denial of reh'g, (Nov. 20, 2014) and review denied, (Feb. 11, 2015).
- Idaho—*State v. McIntosh*, 2016 WL 743356 (Idaho 2016).
- Okla.—*Cook v. Bowen*, 2014 OK CIV APP 81, 335 P.3d 281 (Div. 1 2014).
- 4 § 91.
- 5 § 89.
- 6 § 90.
- 7 Ky.—*Basin Energy Co. v. Howard*, 447 S.W.3d 179 (Ky. Ct. App. 2014).
- 8 Ill.—*In re Marriage of Kuyk*, 2015 IL App (2d) 140733, 396 Ill. Dec. 937, 40 N.E.3d 822 (App. Ct. 2d Dist. 2015).
- 9 Md.—*Miller v. Mathias*, 428 Md. 419, 52 A.3d 53 (2012).
- 10 Ind.—*Neu v. Gibson*, 968 N.E.2d 262 (Ind. Ct. App. 2012).
- Mo.—*Schumacher v. Austin*, 400 S.W.3d 364 (Mo. Ct. App. W.D. 2013), as modified on other grounds, (Apr. 30, 2013).
- Nev.—*D.R. Horton, Inc. v. Eighth Jud. Dist. Ct.*, 358 P.3d 925, 131 Nev. Adv. Op. No. 86 (Nev. 2015).
- As to acts or proceedings of court as void when without jurisdiction, generally, see § 104.